

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY YAOUNDE

UNCLAS STATE 301420

E.O. 11652: N/A

TAGS: AREG, CM

SUBJECT: INTERPRETATION FAM REGULATIONS ON CONFLICTS
OF INTEREST

REF: (A) YAOUNDE 4106, (B) YAOUNDE 3548, (C) STATE
263027 (D) YAOUNDE 3731

1. DEPARTMENT HAS CONSIDERED INFORMATION SUBMITTED BY EMBASSY RE OFFER BY MT FEBE PALACE HOTEL OF FREE MEMBERSHIPS IN CD CLUB FOR DIPLOMATIC LIST PERSONNEL. INFORMATION COMMUNICATED REF B INDICATES THAT GIFT WOULD RAISE NOT ONLY CONFLICT OF INTEREST PROBLEMS BUT ALSO FOREIGN GIFTS COMPLICATIONS. SINCE HOTEL IS OWNED BY GOC, GIFTS ACCEPTED BY INDIVIDUAL EMPLOYEES COULD FALL WITHIN PROHIBITION CONTAINED IN 5 USC 7342 (3 FAM SECTION 620 ET SEC).

2. SINCE INDIVIDUAL EMPLOYEES WOULD BE PROHIBITED FROM ACCEPTING FREE MEMBERSHIPS, ONLY ALTERNATIVE IS TO INFORM HOTEL THAT OFFER MUST BE MADE TO DEPARTMENT WHICH COULD ACCEPT UNDER SECTION 1021 OF THE FOREIGN SERVICE ACT.

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3. IF EMBASSY BELIEVES CIRCUMSTANCES SURROUNDING TENDER

OF GIFT AND BENEFIT OF ACCEPTANCE WARRANT FOLLOWING THE PROCEDURE DESCRIBED PARA 2, DEPARTMENT WOULD GIVE FURTHER CONSIDERATION TO ACCEPTANCE OF OFFER. AT PRESENT TIME, DEPARTMENT CONTINUES TO HAVE LINGERING DOUBTS THAT SUFFICIENT JUSTIFICATION FOR ACCEPTANCE OF OFFER EXISTS UNDER CIRCUMSTANCES DESCRIBED BY EMBASSY. WE FURTHER CONTINUE TO HAVE DOUBTS THAT NO OPPORTUNITY FOR CONFLICT OF INTEREST PRESENTS ITSELF.

4. AS ALTERNATIVE TO FOLLOWING THE PROCEDURE OUTLINED ABOVE, POST MAY CONSIDER NEGOTIATING WITH HOTEL ON REDUCTION OF RATES FOR USG PERSONNEL. IF A SPECIAL RATE IN THE FORM OF A DISCOUNT WERE TO BE OFFERED IN LIEU OF FREE MEMBERSHIPS, THEN THE DEPARTMENT WOULD HAVE LESS TROUBLE IN APPROVING THE ARRANGEMENTS UNDER THE PROVISIONS OF 22 CFR SECTION 10.735-202(B)(4).

5. WHILE DEPARTMENT UNDERSTANDS THAT SIMILAR OFFER HAS BEEN MADE TO ALL DIPLOMATIC MISSIONS, DOES EMBASSY KNOW HOW MANY HAVE TAKEN ADVANTAGE OF GRATIS MEMBERSHIPS AND TO WHAT EXTENT? KISSINGER

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